REMARKS

This Response, submitted in reply to the Office Action dated June 30, 2008 and the

Advisory Action dated June 30, 2008, is believed to be fully responsive to each point of rejection

raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-2, 4-16, 18-40 are all the pending claims. Claims 3 and 17 have been canceled.

I.   Claim Rejections under 35 U.S.C. § 103

Claims 1 - 2, 4 - 16, 18 - 40 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over Mercer et al. (U.S. Patent No. 7,043,477; hereinafter "Mercer") in view of

Sean Jensen-Grey (U.S. Patent No. 6,941,300; hereinafter "Jensen-Grey").

Claim 1 is directed to a "method of managing a media file database (DB), the method is

performed by a media file DB managing system." The Examiner asserts that Mercer teaches this

aspect of the claim, however, Mercer is not at all concerned with managing a media file

database.

Mercer is directed to grouping and navigating media files on a computer-readable

medium, such as a CD or a DVD. A CD or a DVD is not a database <u>as would be apparent to one</u>

<u>of skill in the art in light of the applicant's disclosure</u>. Specifically, one of skill in the art would

not confuse the storage of media files on a CD with the management of a media file database.

Claim 1 further recites "searching for media files…automatically creating file directories

based on metadata of **the** media files [which were searched]". The Examiner now asserts that

searching for media files is inherent in Mercer. Further, the Examiner asserts that Mercer col. 7,

line 67 and col. 5, lines 40-48 disclose automatically creating file directories.

However, contrary to the Examiner's assertions, Mercer does not disclose searching for

media files and automatically creating file directories based on metadata of **the** media files,

which were searched. Mercer discloses creating file directories based on media selected by a

user. Specifically, as discussed in Mercer, col. 5, lines 61-65, the software of Mercer creates

playlists and writes them to a removable computer-readable medium in a specific binary format

whenever the user copies media files to the removable computer-readable medium. Therefore,

the playlists of Mercer are created based on media files a user copies to a computer-readable

medium. There is no teaching or suggestion that such media files are searched.

Claim 1 further recites "executing a media file management program and reading and

navigating the created file directories using the media file management program." The Examiner

asserts that the media file management program corresponds to the software program in the

Mercer system that creates the directory, citing col. 6, lines 60-63 and col. 4, lines 39-43 of

Mercer in support. Further, the Examiner asserts that Fig. 7 of Mercer discloses the claimed

reading and navigating of created file directories.

The authoring software determines if the input media file includes audio data, video data,

image data or a playlist. If the media file includes such data, then the metadata is obtained from

the input media file for use in defining groups. The authoring software analyzes all the media

files that the user has selected to write to the medium to construct playlists to give the user a rich

experience when the media files are rendered by a compliant media player. See col. 7, lines 58-

62. However, there is no teaching or suggestion that the authoring software, which is used to

create playlists, reads or navigates created file directories, as claimed.

The Examiner argues on page 9 of the Office Action, that a user could navigate the media

files to select and render desired content on the consumer electronic device, citing col. 20, lines

7-41, in support. The aspect of Mercer cited by the Examiner discloses the ability of a user to

navigate media files on a consumer electronic device. A consumer electronic device could be a

CD player, DVD player, etc. See Background of the Invention. However, contrary to the

Examiner's assertions, there is no teaching or suggestion that a media file management program

(authoring software as cited by the Examiner) is used to read or navigate created file directories

as claimed.

     For at least the above reasons, claim 1 and its dependent claims should be deemed

allowable. To the extent claims 2, 15 and 16 recite similar elements, claims 2, 15, and 16 and

their dependent claims should be deemed allowable for at least the same reasons.

Claim 4

     Claim 4 recites "wherein in the searching for the media files comprises setting a search

range for the media files and searching for the media files within the set search range." As

discussed above, Mercer does not disclose searching for files. Therefore, Mercer does not

disclose searching for the media files comprises setting a search range for the media files and

searching for the media files within the set search range, as claimed. Further, although Mercer

discloses that a user can select the media files to be copied, there is no teaching or suggestion of

searching for the media files within a set range. Specifically, there is no teaching or suggestion

of a search range in Mercer, let alone, searching for media files within a set search range.

     For at least the above reasons, claim 4 should be deemed allowable.

Claims 9-10, 12-13, and 23-24

     The Examiner asserts that the elements of claims 9-10, 12-13, and 23-24 are disclosed in

Mercer and Jensen-Grey. However, the Examiner has not established where these aspects of the

claims are disclosed in the cited art. A mere assertion that a claimed element is taught in the art,

without more, is insufficient to establish an obviousness rejection. Therefore, claims 9-10, 12-

13, and 23-24 should be deemed allowable.

Moreover, Applicant requests that the Examiner provide a basis in rejecting claims 9-10, 12-13, and 23-24. Specifically, for clarification of the prosecution history record, Applicant requests that the Examiner particularly identify where the aspects of claims 9-10, 12-13, and 23-24 are disclosed in the prior art.

II.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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